

Written Testimony of Lisa Ruby  
On behalf of the Michigan Advocacy Project

House Standing Committee on Families, Children, and Seniors

Hearing on HB 4388

April 17, 2013

Good afternoon Chairman Kurtz and members of the House Committee on Families, Children, and Seniors. Thank you for the opportunity to testify today on House Bill 4388. I am Lisa Ruby, the public benefits attorney at the Michigan Poverty Law Program (MPLP). The Michigan Poverty Law Program is the statewide support center for legal services programs in Michigan. I am here today on behalf of the Michigan Advocacy Project (MAP). The Michigan Advocacy Project is a joint project between the Michigan League for Public Policy and the Michigan Poverty Law Program. MAP advocates on behalf of the state's low-income population on issues in the areas of public benefits, family law, elder law, housing and consumer protection.

The Michigan Poverty Law Program is the statewide back-up center for legal services programs. As the public benefits attorney at MPLP, I provide research, training, and litigation support to legal services offices statewide, and engage in legislative and administrative advocacy. In providing support to legal services attorneys throughout the state, I regularly come in contact with attorneys working with recipients of cash assistance who have school-aged children and am familiar with the . I am here to express my concerns with the proposed bill and why it will negatively impact Michigan's most vulnerable families. My main concerns are the vagueness of the statute, the lack of due process, and the severity of a full family sanction.

HB 4388 would impose a full family sanction if a child under the age of 16 is not in compliance with compulsory school attendance as outlined in MCL 380.1561. If we turn to the

cited law, it defines school attendance as “consecutive and continuous for the school year as fixed by the school district”. The proposed law offers no guidance as to how the Department of Human Services (DHS) would implement this policy or how it would interpret “consecutive and continuous”. For guidance on what policies might be put in place by the agency, we can look at DHS’s Bridges Eligibility Manual (BEM) 245, which covers school attendance and student status. However, there is no guarantee that this is what new policy would be.

In October of 2012, DHS introduced a new school attendance policy whereby a full family sanction would be imposed on a cash assistance group if a dependent child was not “attending school full-time”. Bridges Policy Bulletin 2012-016<sup>1</sup>. The school attendance and student status policies contained in BEM 245 were not entirely new, but language was added in October outlining what caseworkers were mandated to do to implement this new policy. BEM 245 leaves the assessment of what “full-time” means to the school and relies on a DHS form. RFF 3380 (attached), to provide verification of school attendance. This form is to be filled out by the school upon presentation by the parent/caregiver. If the cash assistance case is closed pursuant to this new policy, a student must attend school for 21 consecutive days in order to be reinstated. Therefore, the DHS worker must rely on the checking of a box on a form filled out by a front desk worker at the local school in order to determine whether or not a family’s entire cash assistance amount will be cut off. This raises several concerns.

First, there are 57 intermediate school districts in the state of Michigan. Each one of these has its own definition of school attendance, but they don’t define it in terms of full or part-time. The current form being used by DHS does not fit the information it is seeking. School

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<sup>1</sup> Age 6 to 15-A dependent child age 6 through 15 must attend school full-time. If a dependent child age 6 through 15 is not attending school full-time, the entire FIP group is not eligible to receive FIP.

districts look at whether or not a student is truant, not whether or not he/she is attending full-time. Most districts have truancy intervention projects and a detailed set of criteria that are followed before a student is considered to be truant. This involves setting up meetings with the student, the parents, social workers, teachers and administrators. Schools are invested in keeping children in school and they are also mandated by law to involve parents in the education of their children. MCL 380.1295<sup>2</sup>. To ask what would likely be a receptionist secretary to check a box on a form that decides whether or not a child is attending school full-time does not give credit to the subjective process that educators are involved in. It is not a yes or no question. In addition, there is nothing to guarantee that a school will comply with this requirement, as school administrators have informally stated that this type of monitoring is not germane to their basic mission, it burdens school staff, and they have concerns about privacy and liability.

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<sup>2</sup> **MCL 380.1295 Parental involvement contracts.**

(1) School districts are encouraged to develop and implement parental involvement contracts with parents of pupils. These parental involvement contracts should be voluntary and should be designed to encourage and facilitate a parent's involvement in his or her child's education.

(2) Not later than 90 days after the effective date of this section, the department shall develop and make available to school districts a model parental involvement contract that may be used for the purposes of subsection (1). The model parental involvement contract shall establish a learning partnership between parent, teacher, and pupil, and shall address at least all of the following:

(a) That the pupil's parent or guardian will do all of the following:

(i) Review homework assignments and offer assistance when needed.

(ii) Ensure that the pupil gets to school each day, on time and ready to learn.

(iii) Demonstrate interest in the pupil's well-being by attending school functions and supporting the pupil's school activities.

(iv) Make every effort to attend parent-teacher conferences.

(b) That the pupil will do all of the following:

(i) Participate in class discussions and complete assignments in a manner that is accurate, neat, and timely.

(ii) Come to school each school day and be on time.

(iii) Pay attention in class and complete assigned lessons.

(iv) Obey the rules and codes of conduct set for the classroom.

(v) Respect teachers, school administrators, and other pupils at all times by not antagonizing, intimidating, or threatening them.

(c) That the teacher will do all of the following:

(i) Set high standards for quality instruction that promote development of grade-appropriate academic skills.

(ii) Keep accurate attendance records and inform the parent or guardian promptly if an attendance problem starts to develop.

(iii) Teach pupils how to study and review basic concepts taught in class.

(iv) Maintain a welcome atmosphere and scheduling flexibility toward parent or guardian visits and participation.

(d) That the contract should include a way for the pupil's parent or guardian to explain any obstacles that prevent him or her from complying with the contract.

(3) If a parental involvement contract includes an explanation described in subsection (2)(d), school officials shall consider accessing possible resources to help overcome the obstacles identified by the parent or guardian.

**History:** Add. 2001, Act 29, Imd. Eff. June 28, 2001

**Popular Name:** Act 451

Second, there is no ability for a parent/caretaker to explain a situation where a student has been labeled truant or not attending "full-time". There are only boxes to check. The current policy contained in BEM 245 provides no ability to request a hearing or even an informal meeting. This contrasts with other DHS programs. For example, for purposes of participation in DHS's work program, an individual has the opportunity to claim "good cause" for an alleged violation of his/her work contract. In the work world, exceptions might be made for a hospital stay or failure to accommodate a disability. HB 4388 and BEM 245 permit no variance from attending school full-time, however that may be defined. In other states, a recipient may claim good cause exceptions for students who have been expelled, ruled truant by the probate court, prolonged illness or other family emergencies. A conciliation process is triggered where the agency must then meet with the parent to talk about what is happening in the family and offer the family services, if appropriate. In this manner, the agency can identify situations and provide support instead of summarily terminating the entire family benefit<sup>3</sup>.

The last thing I will talk about is the full family sanction. Regardless of how many children in the family will be impacted, and regardless of the age of the child who is not attending school, this law would dictate that the entire family be cut off of cash assistance based on the actions of one member, a dependent child. This could be a 15 year old child who is religiously dropped off at school every day but then walks out after first hour, or arrives late and is considered absent. Some districts deem tardiness as an absence. Parents may be unaware that an older child is not staying in school or they may not be able to control the child's behavior. This law offers no protection to a family who then becomes subject to the whim of one

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<sup>3</sup> Examples - Virginia Department of Social Services, Illinois Department of Human Services, Florida Department of Children and Families, New Mexico Human Service Department, etc.

individual, a minor child who should never be put in the position of having this much power.

Essentially, the survival of an entire family could rest on the decisions of a 14-year-old. DHS policy already permits the individual disqualification of a 16 or 17 year old from the group. Is a parent any more in control of a 15 year old? 14? It's hard to know what goal this law is aspiring to achieve, since once a family has its entire grant terminated, the family's sole focus will become survival, not the education of its members.

Please consider the objections that have been raised to this proposed legislation. I urge this committee to consider the harsh impact it will have on Michigan's poor and low income population at a time when many families are already suffering financially. If the state truly wants to assist poor families in keeping their children in school, there are other programs already in place to address this issue or a more thorough process needs to be mandated.



## EXHIBIT (PAGE 1)

INGHAM COUNTY DHS  
PO BOX 30066  
LANSING MI 48209

Case Name:  
Case Number:  
Date: 03/01/2010  
DHS Office: INGHAM COUNTY DHS

Page 1 of 2

Specimen:  
Phone:  
Fax:  
Specialist ID:

**STATE OF MICHIGAN**  
Department of Human Services

If you do not understand this, call a DHS office in your area.  
DHS employees are prohibited by law from providing legal advice.  
Si usted no entiende esto, llame a una oficina de DHS en su área.  
La ley prohíbe a los empleados de DHS proporcionar asesoría legal.  
إذا لم تفهم هذا، فقم بالتصديق على DHS في منطقتك.  
موظفو DHS ممنوعون بموجب القانون من تقديم المشورة القانونية.

INGHAM COUNTY DHS  
PO BOX 30066  
LANSING MI 48209

## VERIFICATION OF STUDENT INFORMATION

Student Name:	Student Birth Date:	Date of Birth:
		03/01/2010

## CLIENT INSTRUCTIONS &amp; RELEASE OF INFORMATION:

- It is necessary to verify school enrollment, attendance and progress for students who are receiving or applying for Title I services.
- This form must be completed by the school. Sign below, then take or mail the form and the return envelope back to us.
- You, the school official, are responsible for completion and return of this form to your work by the date specified on the form.
- If you are authorized to release the information requested below to the Department of Human Services, please sign and date below.
- If you are not authorized to release the information requested below to the Department of Human Services, please sign and date below.

## INSTRUCTIONS FOR SCHOOL OFFICIAL:

- It is necessary to verify school enrollment, attendance and progress of the above-referenced student. Please complete this form and return it to our office. A stamped self-addressed envelope, ready for use, is provided in the "Return Card" box above. If you are authorized to release the information requested below to the Department of Human Services, please sign and date below.
- If you are not authorized to release the information requested below to the Department of Human Services, please sign and date below.

## EXHIBIT (PAGE 2)

Form No. 101

1964-65

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TO BE COMPLETED BY SCHOOL OFFICIAL:

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<p>1. NAME OF SCHOOL _____</p> <p>2. ADDRESS _____</p> <p>3. CITY _____</p> <p>4. STATE _____</p> <p>5. ZIP CODE _____</p> <p>6. SCHOOL TYPE _____</p> <p>7. GRADE LEVEL _____</p> <p>8. ENROLLMENT _____</p> <p>9. SCHOOL YEAR _____</p>	<p>10. SCHOOL TYPE _____</p> <p>11. GRADE LEVEL _____</p> <p>12. ENROLLMENT _____</p> <p>13. SCHOOL YEAR _____</p> <p>14. SCHOOL TYPE _____</p> <p>15. GRADE LEVEL _____</p> <p>16. ENROLLMENT _____</p> <p>17. SCHOOL YEAR _____</p>
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